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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,071	06/20/2001	Lou Topfl	00987	5990

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EXAMINER

CHANKONG, DOHM

ART UNIT PAPER NUMBER

2152

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/886,071	TOPFL ET AL.	
	Examiner	Art Unit	
	Dohm Chankong	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- 1> Applicant's amendment has been received. Claims 1-20 are presented for further examination.

Response to Arguments

- 2> Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection necessitated by Applicant's amendment.

Claim Rejections - 35 USC § 112

- 3> The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

- 4> Claims 1-5 and 16-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Independent claims 1 and 16 introduce "a user authentication module for authenticating a user". While the matter of authentication is present in the disclosure, the precise means for performing such an authentication, specifically an authentication module, is not present and therefore fails to comply with the written description requirement. And

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while there are modules, such as the data collection and probability module, the disclosure does not specify that they perform the function of authenticating a user, and therefore no authentication module is suggested by the disclosure.

Claim Rejections - 35 USC § 103

5> The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6> Claims 1, 2, 6, 7, 11, 12, 16 and 17 are rejected under 35 U.S.C § 103(a) as being unpatentable over Berstis, U.S Patent No. 6,182,122, in view of Adar et al, U.S Patent No. 6,493,702 ["Adar"].

7> Berstis discloses a system for facilitating communication between a user and a network of information items [abstract], comprising:

a remote data storage device for storing the information items, wherein the information items are stored in the form of pages, and wherein the pages contain a plurality of links to other information items [column 2 <line 66> to column 3 <line 4> | column 8 <line 66> to column 9 <line 7> | column 9 <lines 35-50>];

a client device having a user interface program thereon, for allowing a user to interface with the network and request the information items [column 1 <lines 47-54>];

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a server device, in communication with the client device and in communication with the remote storage device, for handling information requests from multiple clients and for storing information retrieved from the data storage devices locally in a server cache memory [column 6 <line 60> to column 7 <line 27> | column 8 <line 66> to column 9 <line 7> | claim 1];

a data collection module for collecting and storing successive actions of the user [column 10 <lines 48-51> | claims 1 and 11 where: monitoring the users who access a specific page is equivalent in functionality to collecting and storing of user actions; consequently, the intermediate server is equivalent to the claimed data collection module]; and

a probability module in communication with the data collection module for calculating a probability for the desirability of the links by the user, and for comparing the probability to a predetermined threshold value to identify predicted links, and for retrieving the predicted information items associated with the links from the remote data storage devices and storing the predicted information items in the server cache memory in advance of a user request for the selected information items [column 10 <lines 5-9 and lines 36-51 | claims 1, 24 and 26> where: selecting which links to prefetch based on a historical probability is comparable to retrieving predicted information items based on a predetermined threshold value].

Berstis does not explicitly disclose a user authentication module or storing actions of an authenticated user.

8> Adar discloses first authenticating a user, and storing actions of the authenticated user [column 3 <lines 55-62> | column 5 <lines 38-57> | column 11 <lines 5-24> | column 13 <lines 18-

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31» where: while Adar does not specifically disclose an authentication module, since he discloses authenticating the user, some sort of authentication means would be obvious in Adar's authentication system]. It would have been obvious to one of ordinary skill in the art to incorporate Adar's authentication functionality into Berstis to allow the system to keep track and monitor individual usage browsing histories. Furthermore, as Berstis discloses subscribers in his system, one of ordinary skill in the art would have expected some sort of identification means to recognize each subscriber. Adar's authentication means would provide this functionality and improve Berstis's system.

9> As to claim 2, Berstis discloses the system of claim 1, wherein the probability module updates the probabilities assigned to the links with each successive user activity [column 10 <lines 48-51> | claim 1 where: the historical probability is dependant upon monitoring the number of users which access a particular page (user activity)].

10> As per claims 6, 7, 11, 12, 16 and 17, they do not teach or further define over the limitations recited in claims 1 and 2. Therefore claims 6, 7, 11, 12, 16 and 17 are also rejected for the same reasons as set forth in claims 1 and 2, supra.

11> Claims 3-5, 8-10, 13-15 and 18-20 are rejected under 35 U.S.C 103(a) as being unpatentable over Berstis and Adar, as applied to claim 1 above, in view of Barrett et al, U.S Patent No. 5,727,129 ["Barrett"].

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12> Barrett was cited by Applicant in IDS #4, dated 1.8.2002.

13> As to claim 3, Berstis does not disclose a system wherein the probability module aborts retrieving the predicted information items if the user requests an information item other than the predicted information items.

14> Barrett teaches a network data communication system wherein a probability module aborts the retrieval of predicted information items if the user requests an information item other than the predicted information items [abstract | Figure 7 <items 58, 64> | column 9 <lines 1-16>]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the functionality of module-initiated abortion of the retrieval of predicted information items in Berstis' probability module. One would have been motivated to do this implementation to prevent unnecessary downloading of unwanted content in Berstis' system.

15> As to claim 4, Berstis does not disclose a system wherein the probability module continues retrieving the predicted information items from the remote data storage devices and storing the predicted information items in the server cache memory if the user requests the predicted information item.

16> Barrett teaches a system wherein the probability module continues retrieving the predicted information items from the remote data storage devices and storing the predicted

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information items in the server cache memory if the user requests the predicted information item [abstract | column 9 <lines 1-16>]. It would have been obvious to one of ordinary skill in the art to include the functionality of Barrett's probability module into Berstis' module to increase the amount of control the module has over the prefetching of predicted data. One would have been motivated to combine these teachings to allow the module to anticipate user actions, and if correctly predicted, to continue with the downloading of the anticipated content.

17> As to claim 5, Berstis discloses the system of claim 4, wherein the probability module downloads the user requested information item to the client from the server cache memory [column 8 <lines 40-46>].

18> As to claims 8-10, 13-15 and 18-20, they do not teach or further define over the limitations recited in claims 3-5. Therefore, claims 8-10, 13-15 and 18-20 are also rejected for the same reasons as set forth in claims 3-5, supra.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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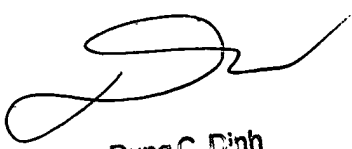
TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is (571)272-3942. The examiner can normally be reached on 8:30AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DC



Dung C. Dinh
Primary Examiner